

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

JOSE L. LIZARDI ORTIZ

DEBTOR

CASE NO.: 15-03076

CHAPTER 11

APPLICATION FOR EMPLOYMENT OF ATTORNEY

TO THE HONORABLE COURT:

COMES NOW, the Debtor, as applicant in this matter, applies to the Court for the approval of the Law Firm of Carmen D. Conde Torres, Esq. as Debtor's attorney and respectfully states as follows:

1. On this same date the above captioned debtor filed a petition under the provisions of Chapter 11 of the Bankruptcy Code. The debtor will continue to manage his property and operate his business as a debtor in possession pursuant to Sections 1101 and 1107 of Title 11 of the United States Bankruptcy Code.
2. The Debtor needs the services of an attorney to properly administer his bankruptcy case.
3. To that effect, Debtor has selected CARMEN D. CONDE TORRES, from the Law Offices of C. CONDE & ASSOC., as his legal counsel because she has considerable experience in bankruptcy proceedings and the Debtor believes that she is well qualified to represent him in this case.
4. The Debtor intends that Carmen D. Conde Torres represents him in this case and in all matters related thereto. The professional services to be rendered will include:

- a. advise the debtor with respect to his duties, powers and responsibilities in this case under the laws of the United States and Puerto Rico in which the debtor in possession conducts his operations, do business, or are involved in litigation;
 - b. advise the debtor in connection with a determination of whether a reorganization is feasible and, if not, helping the debtor in the orderly liquidation of his assets;
 - c. assist the debtor with respect to negotiations with creditors for the purpose of arranging the orderly liquidation of his assets and/or for proposing a viable plan of reorganization;
 - d. prepare on behalf of the debtor, the necessary complaints, answers, orders, reports, memoranda of law and/or any other legal papers or documents;
 - e. appear before the Bankruptcy Court, or any court in which the debtor asserts a claim, interest, or defense directly or indirectly related to this bankruptcy case;
 - f. perform such other legal services for the debtor as may be required in these proceedings or in connection with the operation of/and involvement with debtor's business, including but not limited to notarial services;
 - g. employ other professional services, if necessary.
5. To the best of my knowledge, Carmen D. Conde Torres, nor any of her employees have any connection with the debtor, the creditors, any party in interest, his attorneys, his accountants, the U.S. Trustee, and the personnel of the U.S. Trustee.

6. To the best of the debtor's knowledge, Carmen D. Conde Torres, nor any of her employees, represent or hold any interest adverse to the debtor or the estate in the matters upon which she is to be engaged, pursuant to 11 U.S.C. 327(a).
7. To the best of debtor's knowledge, Carmen D. Conde Torres is a disinterested person within the meaning of 11 USC §101(14).
8. To the best of debtor's knowledge, Carmen D. Conde Torres is aware that she may not share or agree to share the compensation or reimbursement received from the services provided in this case, pursuant to 11 USC 504, except as provided by law.
9. Compensation for professional services to be rendered in this case is agreed as follows:
 - a. in the case of Carmen D. Conde Torres, Esq, (Senior Attorney) and/or other senior attorney, a rate of \$300.00 per hour plus any costs and expenses;
 - b. In the case of Associates, a rate of \$275.00 per hour plus any costs and expenses;
 - c. In the case of Junior Attorney, a rate of \$250.00 per hour plus any costs and expenses;
 - d. in the case of legal assistance such as paralegal or in house special clerical services and/or accounting analyst, a rate of \$150.00 per hour plus any costs and expenses.
10. Carmen D. Conde Torres has received a retainer in this case in the amount of \$30,000.00 which was paid by the debtor. The hourly rates are subject to change based on any increase in our operational costs. Changes, if any, will occur in January of the calendar year.
11. Any compensation to be received is subject to the Court's approval upon proper application and notice thereof.

12. That a verified statement is attached to this application in compliance with Section 327(a) of the Bankruptcy Code, and to Federal Rules of Bankruptcy Procedure 2014.

In addition, and in compliance with LBR 2014-1, applicant enclosed her personal curriculum vitae.

13. Pursuant to the provisions of 11 U.S.C. 327(a), no notice of this application needs to be given and no hearing needs to be held unless the Court otherwise directs.

14. A copy of this application has been served upon the U.S. Trustee, pursuant to Federal Rule of Bankruptcy Procedures 2014.

WHEREFORE, the debtor prays this Honorable Court to enter an order approving the engagement of Carmen D. Conde Torres, from the Law Offices of C. CONDE & ASSOC., pursuant to Section 327(a) of the Bankruptcy Code, for the purpose hereinafter described with compensation to be allowed upon prior application and after notice and hearing, if necessary.

NOTICE

Within twenty one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

RESPECTFULLY SUBMITTED.

In San Juan, P.R. this 28th day of April, 2015.

/s/ Jose L. Lizardi Ortiz

JOSE L. LIZARDI ORTIZ

CERTIFICATE OF SERVICE

I HEREBY CERTIFY: That on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the participants appearing in said record, including the US Trustee.

C. CONDE & ASSOC.
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Fax: (787) 729-2203
Email: condecarmen@microjuris.com
/s/ CarmenD. Conde Torres, Esq.
Carmen D. Conde-Torres, Esq.
USDC No.: 207312

**IN THE UNITED STATES BANKRUPTCY COURT
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IN RE:

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CASE NO.: 15-03076

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VERIFIED STATEMENT OF ATTORNEY

I, *Carmen D. Conde Torres*, from the Law Offices of C. Conde & Associates do hereby certify under penalty of perjury that to best of my knowledge, information and belief the following is true and correct:

1. I am in good standing fully admitted to practice as such in the Commonwealth of Puerto Rico by the Supreme Court of Puerto Rico and the United States District Court for the District of Puerto Rico.
2. The Debtor needs the services of an attorney to properly administer their bankruptcy case.
3. To that effect, the Debtor herein, has selected me, Carmen D. Conde Torres, from the Law Offices of C. Conde & Assoc., as his legal counsel because I have considerable experience in bankruptcy proceedings and the Debtor believes that I am well qualified to represent him in this case.
4. The Debtor intends that I will represent him in this case and in all matters related thereto. The professional services to be rendered will include:
 - a. advise the debtor with respect to his duties, powers and responsibilities in this case under the laws of the United States and Puerto Rico, in which the

debtor in possession conducts his operations, does business, or is involved in litigation;

- b. advise the debtor in connection with a determination of whether a reorganization is feasible and, if not, helping the debtor in the orderly liquidation of his assets;
 - c. assist the debtor with respect to negotiations with creditors for the purpose of arranging the orderly liquidation of the assets and/or for proposing a viable plan of reorganization;
 - d. prepare, on behalf of the debtor, the necessary complaints, answers, orders, reports, memoranda of law and/or any other legal papers or documents;
 - e. appear before the Bankruptcy Court, or any court in which the debtor asserts a claim, interest, or defense directly or indirectly related to this bankruptcy case;
 - f. perform such other legal services for the debtor, as may be required in these proceedings or in connection with the operations of/and involvement with debtor's business, including but not limited to notarial services;
 - g. employ other professional services, if necessary.
5. To the best of my knowledge, I nor any of my employees have any connection with the debtors, the creditors, any party in interest, his attorneys, his accountants, the U.S. Trustee, and the personnel of the U.S. Trustee.
6. To the best of my knowledge, me nor any of my employees, represent or hold any interest adverse to the debtor or the estate in the matters upon which I will be engaged, pursuant to 11 U.S.C. 327 (a).

7. To the best of my knowledge, I am a disinterested person within the meaning of 11 U.S.C. 101 (14).
8. I have not agreed to share with any person, except members of my Firm, the compensation to be paid for the services rendered in this case.
9. Compensation for professional services to be rendered in this case is agreed as follows:
 - a. in the case of Carmen D. Conde Torres, Esq. (Senior Attorney) and/or other senior attorney, a rate of \$300.00 per hour plus any costs and expenses;
 - b. In the case of Associates, a rate of \$275.00 per hour plus any costs and expenses;
 - c. In the case of Junior Attorney, a rate of \$250.00 per hour plus any costs and expenses;
 - d. in the case of legal assistance such as paralegal or in house special clerical services and/or accounting analyst, a rate of \$150.00 per hour plus any costs and expenses.
10. I have received a retainer in this case in the amount of \$30,000.00 which was paid by the debtor. The hourly rates are subject to change based on any increase in our operational costs. Changes, if any, will occur in January of the calendar year.
11. Any compensation to be received is subject to the Court's approval upon proper application and notice thereof.
12. I will amend this statement immediately upon my learning that: a) any of the representations made herein are incorrect, or b) there is any change of circumstances related thereto.
13. I have reviewed the provisions of LBR 2016-1.

14. A copy of my application has been served upon the U.S. Trustee, pursuant to Federal Rule of Bankruptcy Procedures 2014-1.

15. That this verified statement is provided in compliance with Section 327(a) of the Bankruptcy Code, and Federal Rule of Bankruptcy Procedures 2014-1, for the purpose described in Debtors' application for employment of attorney, with compensation to be allowed upon prior application notice and hearing there on, if necessary.

I HEREBY CERTIFY under penalty of perjury that the foregoing is true and correct, as provided in 28 U.S.C. § 1746.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 28th day of April, 2015.

C. CONDE & ASSOC.
/S/ Carmen D. Conde Torres
Carmen D. Conde Torres, Esq.
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Old San Juan, Puerto Rico 00901
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E-Mail: condecarmen@microjuris.com

Carmen D. Conde
C. Conde & Associates | LAW OFFICES
254 San Jose Ave., Ste. 5, San Juan, PR 00901, 787.729.2900

Selected Achievements:

- **Founder and Principal of Conde and Associates:** One of Puerto Rico's leading law firms focusing on Chapter 11 Corporate Reorganizations, Turnarounds and Federal Litigation
- **Developed and Presented** winning arguments in numerous reported cases including several cases before the First Circuit Court of Appeals, some cited by the United States Supreme Court in their bankruptcy opinions
- **Reorganized** numerous corporate entities including multimillionaire asset/debt relation
- **Developed and Presented** numerous seminars on Bankruptcy Law for the Judicial Conference, American Bankruptcy Institute, Puerto Rico Bankruptcy Bar, Puerto Rico Chamber of Commerce and Continued Legal Education Organizations
- **Twenty years** of litigation experience in State and Federal courts
- **Selected** by the First Circuit Court of Appeals to the Panel for Selection of Bankruptcy Judges
- **Participate in the evaluation and analysis of Local Bankruptcy Rules and Procedures**
- **Notary Public in good standing since 1985**

Professional Experience:

Conde and Associates: 1993 – Present. *Principal and Founder:* Primary emphasis on bankruptcy law and corporate reorganizations and turnarounds. Successfully reorganized corporations worth millions in assets and liabilities. Represented clients in variety of jurisdictions, including New York and Delaware. C. Conde & Assoc. has been featured in Caribbean Business Journal and in numerous articles in the local press.

U.S. Department of Justice, Office of the U.S. Trustee: 1989 – 1993. *Attorney.* Responsible for enforcing the provisions of the Bankruptcy Code on both Debtors and Creditors. Reviewed Bankruptcy cases to ensure compliance. Drafted memoranda regarding issues in Bankruptcy law.

Corporate Directorships:

2002- Present:

Medical Card Systems: *Director.* Member of Board of Directors (2002-present).

American Bankruptcy Institute: Member since 1994 and Organizer of the Caribbean Insolvency Seminars

From 2000-2003:

Puerto Rico Government Development Bank and Subsidiaries: *Director.* Member of

Board of Directors.

From 1990-92

Amigos Ballet de San Juan: *Director.* Member of Board of Directors

Professional Associations:

- * Puerto Rico Bar Association
- * Puerto Rico Federal Bar Association
- * American Bar Association
- * American Bankruptcy Institute

Education:

University of Puerto Rico: Bachelor In Science 1970.

Inter-American University: Juris Doctor. *Cum Laude.*

Multiple Seminars in all Disciplines of Law

Admission to the following Bars and Courts:

Puerto Rico Bar by Supreme Court of Puerto Rico
United States Court for the District of Puerto Rico
U.S. Court of Appeals for the First Circuit
Notary Public Since 1985